

03-14-00

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

03/13/00
Jc678 U.S. PTO

Applicant(s): MURPHY, Michael P.
RONFARD, Vincent

Serial No.: To Be Assigned
(Continuation Application of PCT/US99/27505)

Filed: Herewith (March 13, 2000)

Title: Bioengineered Tissue Constructs and
Methods of Producing and Using Same

Attorney Docket No.: 686.03.498CON

Jc678 U.S. PTO
09/523809
03/13/00

TRANSMITTAL LETTER

EXPRESS MAIL LABEL NO.: EL361737407US
MAILED: March 13, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: BOX PATENT APPLICATION

Dear Sir:

The following documents are submitted to file a continuation application of an international application under 37 C.F.R. §1.53(b) and 35 U.S.C. §111 and MPEP §1895.01 to obtain the PCT filing date as the effective date under 35 U.S.C. §102(e) by virtue of 35 U.S.C. §363.

The named inventors are: **MURPHY, Michael P.**
Citizenship: United States
Residence: Chelmsford, MA, USA

RONFORD, Vincent
Citizenship: France
Residence: West Newton, MA, USA

Also enclosed are the following documents:

1. Request for Filing a Continuation of an International Application.
2. The specification (49 pages), claims 1-30 (pages 50-57), an Abstract (page 58), and Figures 1-4.
3. A verified statement of small entity from the U.S. priority application.
4. Stamped, return postcard.

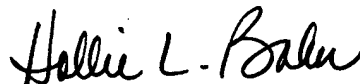
09523809-034300

U.S. Serial No.: To Be Assigned
(Continuation of PCT/US99/27505)
Filed: March 13, 2000

Priority Information: This application is a continuation of international application number PCT/US99/27505, filed November 19, 1999, pending, claiming priority to US Serial No. 09/339,632, filed June 24, 1999, pending, and US Serial No. 60/109,247, filed November 19, 1998.

The Commissioner is authorized to debit the patent application filing fee of \$967.00 from Deposit Account No. 08-0219. Further, the Commissioner is authorized to debit any fee or credit any overpayment to maintain the pendency of this application to Deposit Account No. 08-0219.

Respectfully submitted,



Hollie L. Baker
Registration No. 31,321

Date: March 13, 2000

HALE AND DORR LLP
60 State Street
Boston, MA 02109
Telephone: 617-526-6110
FAX: 617- 526-5000

baker_hollie Z:\Legal\oi-fl\686.03.498\transmittal_application_filing.doc

REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
686.03.498CON	CLASS	SUBCLASS	STROUP, Carrie	1633

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231
EXPRESS MAIL LABEL NO.: EL361737407US
MAILED: 3/13/2000

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior international application Number PCT_{US99} / 27505, filed on 11/19/1999 entitled Bioengineered Tissue Constructs and Methods for Producing and Using Thereof, which designated the United States.

Note: 37 CFR 1.53(c) or (d) cannot be used to file a continuation or divisional application of an international application which has not entered the national stage.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	53 - 20 =	33	x \$ 18 =	\$ 594
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	8 - 3 =	5	x \$ 78 =	390
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 260 =	260
				BASIC FEE (37 CFR 1.16(a))	+ 690
				Total of above Calculations =	1934
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$ 967
				TOTAL =	\$ 967

- Enclosed are the specification, claims and drawing(s).
- ☒ A statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 08-0219. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ is enclosed.
- ☒ Amend the specification by inserting before the first line the sentence: "This application is a ☒ continuation ☐ division of international application number PCT_{US99} / 27505, filed 11/19/1999, pending _____, (status, abandoned, pending, etc.)."

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXPRESS MAIL LABEL NO. EL361737407US
DATE OF DEPOSIT 3/13/00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION, PAGE 2)

6. ☐ A declaration under 37 CFR 1.63 is enclosed.

7. ☐ Priority of foreign application number _____, filed on _____ in _____
is claimed under 35 U.S.C. 119(a) - (d). See attached sheet.

☐ The certified copy is enclosed.

8. ☐ A preliminary amendment is enclosed.

9. ☒ Also enclosed: Return, stamped postcard

Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Hollie L. Baker, Hale and Dorr LLP, 60 State Street, Boston, MA 02109

3/13/2000

Date

Hollie L. Baker

Signature

Hollie L. Baker, Registration No. 31,321

Typed or printed name

☐ Inventor(s)

☐ Assignee of complete interest. Certification under 37 CFR 3.73(b) is enclosed.

☒ Attorney or agent of record

☐ Filed under 37 CFR 1.34(a)

Registration number if acting under 37 CFR 1.34(a): _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN**Docket Number (Optional)
686.03.498Applicant or Patentee: Michael P. MURPHY and Vincent RONFARDApplication or Patent No.: TBAFiled or Issued: HerewithTitle: BIOENGINEERED TISSUE CONSTRUCTS AND METHODS FOR PRODUCING
AND USING THEREOF

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Organogenesis, Inc.ADDRESS OF SMALL BUSINESS CONCERN 150 Dan Road
Canton, Massachusetts 02021-2820

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:
☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David T. Rovee, Ph.D.TITLE OF PERSON IF OTHER THAN OWNER President and Chief Operating OfficerADDRESS OF PERSON SIGNING Organogenesis Inc., 150 Dan Road, Canton, MA 02021SIGNATURE David T. Rovee DATE June 22, 1999